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HOUSE BILL 12

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2003

INTRODUCED BY

Daniel R. Foley

AN ACT

**RELATING TO SEXUAL OFFENDERS; LENGTHENING REGISTRATION
REQUIREMENTS FOR SEX OFFENDERS; AMENDING SECTIONS OF THE SEX
OFFENDER REGISTRATION AND NOTIFICATION ACT; DECLARING AN
EMERGENCY.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 29-11A-4 NMSA 1978 (being Laws 1995,
Chapter 106, Section 4, as amended) is amended to read:**

**"29-11A-4. REGISTRATION OF SEX OFFENDERS-- INFORMATION
REQUIRED-- CRIMINAL PENALTY FOR NONCOMPLIANCE. --**

**A. A sex offender residing in this state shall
register with the [county] sheriff for the county in which the
sex offender resides.**

**B. A sex offender who is a current resident of New
Mexico shall register with the county sheriff no later than ten**

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1 days after being released from the custody of the corrections
2 department or being placed on probation or parole. A sex
3 offender who changes his residence to New Mexico shall register
4 with the county sheriff no later than ten days after
5 establishing residence in this state. When a sex offender
6 registers with the county sheriff, he shall provide the
7 following registration information:

8 (1) his legal name and any other names or
9 aliases that he is using or has used;

10 (2) his date of birth;

11 (3) his social security number;

12 (4) his current address;

13 (5) his place of employment;

14 (6) the sex offense for which he was
15 convicted; and

16 (7) the date and place of his sex offense
17 conviction.

18 C. A sex offender who is a resident of another
19 state but who is employed in New Mexico or attending school in
20 New Mexico shall register with the [county] sheriff for the
21 county in which the sex offender is working or attending
22 school.

23 D. A sex offender who is a resident of another
24 state but who is employed in New Mexico or attending school in
25 New Mexico shall register with the county sheriff no later than

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1 ten days after beginning work or school. When the sex offender
2 registers with the county sheriff, he shall provide the
3 following registration information:

4 (1) his legal name and any other names or
5 aliases that he is using or has used;

6 (2) his date of birth;

7 (3) his social security number;

8 (4) his current address in his state of
9 residence and, if applicable, the address of his place of
10 lodging in New Mexico while he is working or attending school;

11 (5) his place of employment or the name of the
12 school he is attending;

13 (6) the sex offense for which he was
14 convicted; and

15 (7) the date and place of his sex offense
16 conviction.

17 E. When a sex offender registers with a county
18 sheriff, the sheriff shall obtain:

19 (1) a photograph of the sex offender and a
20 complete set of the sex offender's fingerprints; and

21 (2) a description of any tattoos, scars or
22 other distinguishing features on the sex offender's body that
23 would assist in identifying the sex offender.

24 F. When a sex offender who is registered changes
25 his residence within the same county, the sex offender shall

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1 send written notice of his change of address to the county
2 sheriff no later than ten days after establishing his new
3 residence.

4 G. When a sex offender who is registered changes
5 his residence to a new county in New Mexico, the sex offender
6 shall register with the [county] sheriff of the new county no
7 later than ten days after establishing his new residence. The
8 sex offender shall also send written notice of the change in
9 residence to the county sheriff with whom he last registered no
10 later than ten days after establishing his new residence.

11 H. Following his initial registration pursuant to
12 the provisions of this section:

13 (1) a sex offender required to register
14 pursuant to the provisions of Subsection D of Section 29-11A-5
15 NMSA 1978 shall [~~annually~~] renew his registration with the
16 county sheriff [~~prior to December 31 of each subsequent~~
17 ~~calendar year for a period of twenty years~~] not less than once
18 in each ninety-day period following the date of the sex
19 offender's initial registration for the entirety of his natural
20 life; and

21 (2) a sex offender required to register
22 pursuant to the provisions of Subsection E of Section 29-11A-5
23 NMSA 1978 shall annually renew his registration with the county
24 sheriff prior to December 31 of each subsequent calendar year
25 for a period of [~~ten~~] twenty years.

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1 I. Notwithstanding the provisions of Paragraph (2)
2 of Subsection H of this section, a sex offender who is
3 convicted a second or subsequent time for a sex offense set
4 forth in Subsection E of Section 29-11A-5 NMSA 1978 shall be
5 required to renew his registration with the county sheriff not
6 less than once in each ninety-day period following the date of
7 the sex offender's initial registration for the entirety of his
8 natural life.

9 [~~I-~~] J. A sex offender who willfully fails to
10 comply with the registration requirements set forth in this
11 section is guilty of a fourth degree felony and shall be
12 sentenced pursuant to the provisions of Section 31-18-15 NMSA
13 1978.

14 [~~J-~~] K. A sex offender who willfully provides false
15 information when complying with the registration requirements
16 set forth in this section is guilty of a fourth degree felony
17 and shall be sentenced pursuant to the provisions of Section
18 31-18-15 NMSA 1978. "

19 Section 2. Section 29-11A-5 NMSA 1978 (being Laws 1995,
20 Chapter 106, Section 5, as amended) is amended to read:

21 "29-11A-5. LOCAL REGISTRY--CENTRAL REGISTRY--
22 ADMINISTRATION BY DEPARTMENT OF PUBLIC SAFETY--PARTICIPATION IN
23 THE NATIONAL SEX OFFENDER REGISTRY-- RULES. --

24 A. A county sheriff shall maintain a local registry
25 of sex offenders in his jurisdiction required to register

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1 pursuant to the provisions of the Sex Offender Registration and
2 Notification Act.

3 B. The county sheriff shall forward registration
4 information obtained from sex offenders to the department of
5 public safety. The initial registration information and any
6 new registration information subsequently obtained from a sex
7 offender shall be forwarded by the county sheriff no later than
8 ten working days after the information is obtained from a sex
9 offender. If the department of public safety receives
10 information regarding a sex offender from a governmental entity
11 other than a county sheriff, the department shall send that
12 information to the [county] sheriff for the county in which the
13 sex offender resides.

14 C. The department of public safety shall maintain a
15 central registry of sex offenders required to register pursuant
16 to the provisions of the Sex Offender Registration and
17 Notification Act. The department shall participate in the
18 national sex offender registry administered by the United
19 States department of justice. The department shall send
20 conviction information and fingerprints for all sex offenders
21 registered in New Mexico to the national sex offender registry
22 administered by the United States department of justice and to
23 the federal bureau of investigation.

24 D. The department of public safety shall retain
25 registration information regarding sex offenders convicted for

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1 the following sex offenses for [~~a period of twenty years~~
2 ~~following the sex offender's conviction, release from prison or~~
3 ~~release from probation or parole, whichever occurs later]~~ the
4 entirety of the sex offender's natural life:

5 (1) criminal sexual penetration in the first
6 or second degree, as provided in Section 30-9-11 NMSA 1978;

7 (2) criminal sexual contact of a minor in the
8 third degree, as provided in Section 30-9-13 NMSA 1978;

9 (3) sexual exploitation of children, as
10 provided in [~~Subsection A, B or C of~~] Section 30-6A-3 NMSA
11 1978;

12 (4) kidnapping, as provided in Section
13 30-4-1 NMSA 1978, when the victim is less than eighteen years
14 of age and the offender is not a parent of the victim; or

15 (5) attempt to commit any of the sex offenses
16 set forth in Paragraphs (1) through (4) of this subsection, as
17 provided in Section 30-28-1 NMSA 1978.

18 E. The department of public safety shall retain
19 registration information regarding sex offenders convicted for
20 the following offenses for a period of [~~ten~~] twenty years
21 following the sex offender's conviction, release from prison or
22 release from probation or parole, whichever occurs later:

23 (1) criminal sexual penetration in the third
24 or fourth degree, as provided in Section 30-9-11 NMSA 1978;

25 (2) criminal sexual contact in the fourth

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1 degree, as provided in Section 30-9-12 NMSA 1978;

2 (3) criminal sexual contact of a minor in the
3 fourth degree, as provided in Section 30-9-13 NMSA 1978;

4 (4) sexual exploitation of children by
5 prostitution, as provided in Section 30-6A-4 NMSA 1978;

6 (5) false imprisonment, as provided in Section
7 30-4-3 NMSA 1978, when the victim is less than eighteen years
8 of age and the offender is not a parent of the victim;

9 (6) solicitation to commit criminal sexual
10 contact of a minor in the third or fourth degree, as provided
11 in Sections 30-9-13 and 30-28-3 NMSA 1978; or

12 (7) attempt to commit any of the sex offenses
13 set forth in Paragraphs (1) through (5) of this subsection, as
14 provided in Section 30-28-1 NMSA 1978.

15 F. Notwithstanding the provisions of Subsection E
16 of this section, when a sex offender is convicted a second or
17 subsequent time for a sex offense set forth in that subsection,
18 the department of public safety shall retain registration
19 information regarding the sex offender for the entirety of the
20 sex offender's natural life.

21 [~~F.~~] G. The department of public safety shall adopt
22 rules necessary to carry out the provisions of the Sex Offender
23 Registration and Notification Act. "

24 Section 3. EMERGENCY. --It is necessary for the public
25 peace, health and safety that this act take effect immediately.

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